



FACSIMILE

DATE: May 21, 2004
OFFICIAL PAPER

PHILADELPHIA
One Liberty Place, 46th Floor
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Fax: 215-568-3439

SEATTLE
999 Third Avenue, Suite 1606
Seattle, WA 98104
206-332-1380
Fax: 206-624-7317

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Examiner: **Sonya N. Wright**
U.S.P.T.O. Group Art Unit: **1626**
Telecopier No: **(571) 273-0711**
U.S. Serial No.: **09/648,306**
Client/Matter No: **UPN-3904**
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Pages to Follow: **7**

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COVER MESSAGE:

OFFICIAL FACSIMILE. PLEASE DELIVER TO EXAMINER IMMEDIATELY.

Attached hereto is/are the following documents:

- 1) Reply Transmittal Letter
- 2) Reply Pursuant to 37 CFR § 1.116

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DOCKET NO.: UPN-3904

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Koch, et al.

Application No.: 09/648,306

Filing Date: August 25, 2000

For: Detection Of Hypoxia

Confirmation No.: 6906

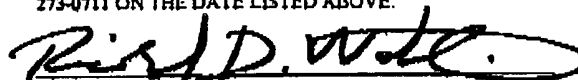
Group Art Unit: 1626

Examiner: Sonya N. Wright

CERTIFICATE OF FACSIMILE TRANSMISSION

DATE May 21, 2004

I HEREBY CERTIFY THAT THIS PAPER IS BEING
FACSIMILE TRANSMITTED TO THE PATENT AND
TRADEMARK OFFICE TO FACSIMILE NUMBER 571-
273-0711 ON THE DATE LISTED ABOVE.



Richard D. Watkins REG NO 50,993

☐ MS Amendment ☒ MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TRANSMITTAL LETTER

- ☐ A Preliminary Amendment.
- ☒ A Reply Responsive to the Office Action Dated November 20, 2002.
- ☐ A Reply Supplemental to the Paper filed .
- ☐ A Substitute Specification (pages 1 -) in clean form.
- ☐ A substitute specification (pages 1 -) with markings.
- ☐ An Abstract is enclosed.
- ☐ replacement sheets of drawings are enclosed comprising figures .
- ☐ Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) is submitted herewith.
- ☐ Petition is hereby made to accept drawing(s)/photograph(s) in this case.

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PATENT

- ☐ Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures
- ☐ An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph in color.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
- ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ A Terminal Disclaimer is attached.
- ☐ Appendices as follows:
- ☐ Other
- ☒ No Additional Fee is Due.
- ☒ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

DOCKET NO.: UPN-3904

PATENT

	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	SMALL ENTITY		NOT SMALL ENTITY	
				RATE	FEE	RATE	FEE
TOTAL CLAIMS	9	(20 MINIMUM) 32	0	\$9 EACH	\$0	\$18 EACH	\$
INDEP. CLAIMS	1	(3 MINIMUM) 2	0	\$43 EACH	\$0	\$86 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$145	\$0	\$290	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$0	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$210	\$0	\$420	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$0	\$950	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$740	\$0	\$1480	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$1005	\$0	\$2010	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$0)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$0	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:					0		
TOTAL FEE DUE					\$0		\$

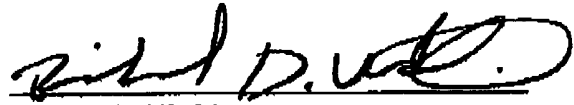
- ☐ A check in the amount of \$.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of .00. This sheet is attached in duplicate.
- ☐ Pention is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of _____ to and through _____ comprising an extension of the shortened statutory period of _____ month(s).

DOCKET NO.: UPN-3904

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- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

Date: May 21, 2004



Richard D. Watkins

Registration No. 50,993

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

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DOCKET NO.: UPN-3904
Application No.: 09/648,306
Office Action Dated: November 20, 2002

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Koch, et al.

Confirmation No.: 6906

Application No.: 09/648,306

Group Art Unit: 1626

Filing Date: August 25, 2000

Examiner: Sonya N. Wright

For: **Detection of Hypoxia**

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273-0711 ON THE DATE LISTED ABOVE



Richard D. Watkins, Esq. REG NO 50,993

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY PURSUANT TO 37 CFR § 1.116

In response to the Official Action dated November 20, 2002, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

- ☐ Amendments to the Specification begin on page _____ of this paper.
- ☒ Amendments to the Claims are reflected in the listing of the claims which begins on page 2 of this paper.
- ☐ Amendments to the Drawings begin on page _____ of this paper and include an attached replacement sheet.
- ☒ Remarks/Arguments begin on page 3 of this paper.